

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>In re:</b>	)	
	)	
<b>CIRCUIT CITY STORES, INC., ET AL.,</b>	)	<b>Case No. 08-35653 (KRH)</b>
	)	<b>Chapter 11</b>
<b>Debtors.</b>	)	<b>Jointly Administered</b>
_____	)	
	)	
<b>ALFRED H. SIEGEL, AS TRUSTEE OF THE</b>	)	
<b>CIRCUIT CITY STORES, INC. LIQUIDATING</b>	)	<b>Adv. Pro. No. 10-3228</b>
<b>TRUST,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>V.</b>	)	
	)	
<b>EASTMAN KODAK COMPANY AND</b>	)	
<b>MARBLEGATE SPECIAL OPPORTUNITIES</b>	)	
<b>MASTER FUND L.P.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**ORDER**

WHEREAS, on November 5, 2010, plaintiff Alfred H. Siegel, Trustee of the Circuit City Stores, Inc. Liquidating Trust (“Plaintiff”), commenced the above-captioned action (the “Adversary Proceeding”) by filing a complaint (the “Complaint”);

WHEREAS, by agreement of the Plaintiff and defendant Marblegate Special Opportunities Master Fund L.P. (“Marblegate”), and by Order of the Bankruptcy Court entered on April 1, 2011, Marblegate’s time to respond to the Complaint expires on April 11, 2011;

WHEREAS, Marblegate is included in the Adversary Proceeding solely as the holder of Claim No. 1147 which it purchased from defendant Eastman Kodak Company (“Kodak”) and to which the Plaintiff objects;

WHEREAS, on December 22, 2010, Kodak filed its answer to the complaint and counterclaim against Plaintiff;

WHEREAS, on January 25, 2011, Plaintiff filed its answer to Kodak's counterclaim;

WHEREAS, Marblegate has requested an extension of its deadline to serve an answer, move, or seek such other relief as may be appropriate with respect to the Complaint until Plaintiff and Kodak complete court mandated mediation ("Mediation") and any attendant settlement discussions;

WHEREAS, on February 25, 2011, Plaintiff filed the Liquidating Trust's Seventh Omnibus Objection to Claims (Reduction of Certain Partially Invalid Claims, Disallowance of Certain Invalid Claims and Reclassification of Certain Incorrectly Classified Claims) (the "Seventh Omnibus Objection") that seeks, in pertinent part, to disallow Marblegate's claim number 15107;

WHEREAS, the Plaintiff, Kodak, and Marblegate believe that they will reach a settlement in principle to settle all matters relating to the Adversary Proceeding, the Complaint, the Counterclaim, and the Seventh Omnibus Objection, subject to the execution of definitive documentation;

WHEREAS, Marblegate's time to respond to the Seventh Omnibus Objection expires on April 7, 2011;

WHEREAS, Marblegate has requested that its deadline to respond to the Seventh Omnibus Objection be extended to give the parties time to consummate the proposed settlement;

WHEREAS, such requested extensions would allow Marblegate and Plaintiff to avoid the incurrence of unnecessary legal fees while Mediation and any attendant settlement discussions are in progress between Plaintiff and Kodak; and

WHEREAS, on or about April 11, 2011, the parties filed a Stipulation with the Court in order to, among other things, extend the current deadlines for Marblegate to respond to the Complaint and to respond to the Seventh Omnibus Objection.

**IT IS HEREBY ORDERED:**

1. Marblegate's time to serve an answer, move, or seek such other relief as may be appropriate with respect to the Complaint in the Adversary Proceeding shall be extended until April 25, 2011.

2. Marblegate's time to respond to the Seventh Omnibus Objection shall be extended until April 25, 2011.

Dated: \_\_\_\_\_  
Richmond, Virginia

\_\_\_\_\_  
United States Bankruptcy Judge

Entered on Docket: \_\_\_\_\_

We ask for this:

**MARBLEGATE SPECIAL  
OPPORTUNITIES MASTER  
FUND L.P.,  
By its attorneys,**

**ALFRED H. SIEGEL, as Trustee of the  
Circuit City Stores, Inc., Liquidating Trust,  
By his attorneys,**

/s/ Jason B. Porter (signature authorized)  
Christopher A. Provost, Esq.  
Jason M. Rudd, Esq.  
Jason B. Porter, Esq.  
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/s/ John A. Morris (signature authorized)  
Robert J. Feinstein, Esq.  
John A. Morris, Esq.  
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&

&  
/s/ Robert S. Westermann  
Robert S. Westermann (VA Bar No. 43294)

/s/ Paula S. Beran (signature authorized)  
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*Counsel to Marblegate*

*Counsel to Plaintiff*

**EASTMAN KODAK COMPANY**  
**By its attorneys,**

/s/ Peter N. Tamposi (signature authorized)  
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&

/s/ Robert S. Westermann  
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The Edgeworth Building  
Richmond, Virginia 23223

*Counsel to Kodak*

**CERTIFICATE OF ENDORSEMENT**

I hereby certify, under Local Rule 9022-1, that the foregoing Order has been endorsed by  
and/or served upon all necessary parties.

/s/ Robert S. Westermann  
Counsel

Copies of this Order shall be delivered to:

rwestermann@hf-law.com  
jporter@diamondmccarthy.com  
jmorris@pszjlaw.com  
pberan@tb-lawfirm.com  
peter@thetamposilawgroup.com